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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,596	06/18/2001	Akimasa Fleshler	BEA920010006US1	3370
49474	7590	06/15/2005	EXAMINER	
LAW OFFICES OF MICHAEL DRYJA 704 228TH AVE NE #694 SAMMAMISH, WA 98074				PATEL, ASHOKKUMAR B
ART UNIT		PAPER NUMBER		
		2154		

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/884,596	FLESHLER ET AL.
	Examiner	Art Unit
	Ashok B. Patel	2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 16 December 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 4,5 and 16-18 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-3,6-15,19 and 20 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
- 1. Certified copies of the priority documents have been received.
 - 2. Certified copies of the priority documents have been received in Application No. _____.
 - 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-20 are subject to examination. Claims 4, 5, and 16-18 have been cancelled.

Response to Arguments

2. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3, 6-15, 19 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated Sharma et al. (hereinafter Sharma)(US 6, 766, 165 B2).

Referring to claim 1,

Sharma teaches a system (Fig. 1 element 100) comprising:

a resource (Fig. 1, element 114); and

one or more mobile wireless consoles, (Fig. 1, elements 110, 112, 108) each mobile wireless console managing the resource by directly communicating wirelessly with the resource over a wireless network in accordance with an open, common, and non-proprietary protocol (col. 6, line 12-45).

Referring to claim 2,

Sharma teaches the system of claim 1, wherein the resource is one of a server (Fig. 1, element 114); and a network platform. (Fig. 1, element 100)

Referring to claim 3,

Sharma teaches the system of claim 1, further comprising: a firewall protecting the resource; (col. 6, line 20-25).

Referring to claim 6,

Sharma teaches the system of claim 1, wherein at least one of the one or more mobile wireless consoles is each selected from the group of mobile wireless consoles consisting of a wireless phone, and a personal-digital-assistant (PDA) device having mobile wireless communication capability. (col. 1, line 28-36).

Referring to claim 7,

Sharma teaches the system of claim 1, wherein each mobile wireless console directly communicates wirelessly to manage the resource to perform pre-boot management activities related to the resource. (Fig. 1, col. 1, line 20-25, Fig. 3, col. 5, line 23-25).

Referring to claim 8,

Sharma teaches the system of claim 1, wherein each mobile wireless console directly communicates wirelessly to manage the resource to perform in-band management activities related to the resource. (Fig. 1, col. 1, line 20-25, Fig. 3, col. 5, line 27-34).

Referring to claims 9 and 10,

Sharma teaches the system of claim 1, wherein the open, common, and non-proprietary

protocol is a version of one of the Wireless Access Protocol (WAP) and an Internet Protocol(IP)-based mobile protocol, and the system of claim 1, wherein each mobile wireless console has a protocol stack in accordance with the open, common, and non-proprietary protocol. the protocol stack comprising: an application layer based on a wireless access environment (WAE)and supporting a micro-browser environment; a session layer based on a wireless session protocol (WSP) to provide the application layer with a consistent interface; transaction layer based on a wireless transaction protocol (WTP) to provide a lightweight, transaction oriented protocol suitable for implementation in thin clients; a security layer based on a wireless transport layer security IW-I*LSI to provide data integrity, privacy. and denial-of-service protection; a transport layer based on a wireless data protocol (WDP) to provide a common interface to the security layer, the transaction layer. the session layer- and the application layer; and. one or more bearer layers. each providing a corresponding service. (col. 24, line 30-58).

Referring to claim 11,

Sharma teaches a method comprising:

receiving a message including a resource management operation intended for a resource at a mobile wireless console (col. 5, line 62-67)

encoding the message at the mobile wireless console in accordance with an open, common and non-proprietary protocol (col. 24, line 30-58, col. 5, line 18-22); and,
sending the message as encoded from the mobile wireless console for ultimate delivery to the resource for performance of the resource management operation over a

wireless network in accordance with the open, common, and non-proprietary protocol. the message being directly wirelessly communicated from the mobile wireless console to the resource. (Fig. 1, col. 1, line 20-25, Fig. 3, col. 5, line 27-34).

Referring to claim 12,

Sharma teaches the method of claim 11, further comprising: receiving the message at the resource and, performing the resource management operation at the resource. (Fig. 1, col. 1, line 20-25)

Referring to claim 13,

Sharma teaches the method of claim 12, wherein sending the message comprises message through a firewall. (col. 6, line 20-25).

Referring to claim 14,

Sharma teaches the method of claim 11, further comprising: receiving the resource management operation as encoded at the resource from the mobile wireless console over the wireless network in accordance with the open, common, and non- proprietary protocol; decoding the resource management operation at the resource in accordance with the open, common, and non-proprietary protocol.; and, performing the resource management operation at the resource. (Fig. 1, col. 1, line 20-25, Fig. 3, col. 5, line 27-34).

Referring to claims 15 and 20,

Claim 15 is a claim to an article comprising a computer-readable signal-bearing medium; and means in the medium for managing a resource in the system of claims 1 and 7. Therefore claim 15 is rejected for the reasons set forth for claims 1 and 7.

Referring to claim 19,

Claim 19 is a claim to an article comprising a computer-readable signal-bearing medium; and means in the medium for managing a resource in the system of claims 1 and 7. Therefore claim 15 is rejected for the reasons set forth for claims 1 and 7.

Conclusion

Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok B. Patel whose telephone number is (571) 272-3972. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abp



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